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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/834,614	04/16/2001	Akihiro Murata	109278	3898
25944	7590 08/13/2003			
OLIFF & BERRIDGE, PLC P.O. BOX 19928			EXAMINER	
ALEXANDRIA, VA 22320			WANG, GEORGE Y	
			ART UNIT	PAPER NUMBER
			2871	
			DATE MAILED: 08/13/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply origina flee in the load for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply original set in the final rejection, even if the high status of the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply originate in the final rejection, even if the shortened statutory period for reply distinct the final rejection, even if the shortened statutory period for reply distinct the final rejection and for search (see NOTE below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The all affi			Application No.	pplicant(s)				
Examiner George Y. Wang  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address -  THE REPLY FILED 31, July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a  final rejection under 37 CFR 1.13 peet either (1) a timely filed emendment within places the application in  condition for allowance (2) a timely filed for the peet either (1) a timely filed the papic attent of  Examination (RCE) in compliance with 37 CFR 1.14.  PERIOD FOR REPLY (Check either a) or b)]  a)   The period for reply expires on: (1) the mailing date of the final rejection.  b)   The period for reply expires on: (1) the mailing date of the final rejection.  b)   The period for reply expires on: (1) the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL RELECTION. See MPEP  CONNIC OF MAILED AND THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL RELECTION. See MPEP  Examined the peer been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension  fee where been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension  fee under 37 CFR 1.17(e) is calculated from: (1) the mailed from the organized period of extension and the corresponding amount of the fee. The appropriate extension  fee under 37 CFR 1.17(e) is calculated from: (1) the mailed period of extension of the corresponding amount of the fee. The appropriate extension  fee under 37 CFR 1.17(e) is calculated from: (1) the propriate extension  fee under 37 CFR 1.17(e) is calculated from: (1) the propriate extension  fee under 37 CFR 1.17(e) is calculated from: (1) the propriate extension  feet under 37 CFR 1.17(e) the propriate extension  feet under 37 CFR 1.17(e) the propriate extension	. Advisory Action		09/834,614	MURATA, AKIHIRO				
THE REPLY FILED 31 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b]  a) □ The period for reply expires on: (1) the mailing date of the final rejection.  b) □ The period for reply expires on: (1) the mailing date of the final rejection. Whichever is later. In no event, however, with the statutory period for reply expires the final rejection. Whichever is later. In no event, however, with the statutory period for reply expires the final rejection. Whichever is later. In no event, however, with the statutory period for reply expires the final rejection, whichever is later. In no event, however, with the statutory period for reply expire the final rejection, whichever is later. In no event, however, with the statutory period for reply expire the final rejection, whichever is later. In no event, however, with the statutory period for reply expire the final rejection, whichever is later. In no event, however, with the statutory the final rejection. Properties extension feel to the final rejection. Properties extension feel to the final rejection and the corresponding amount of the fee. The appropriate extension feel under 37 CFR 1.1(9) is calculated from: (1) the expiration date of the final rejection and the corresponding amount of the feel. The part of the final rejection and the corresponding amount of the feel final rejection. Properties extension the period of extension and the corresponding amount of the feel final rejection.  1 A Notice of Appeal was filed on		•	Examiner	Art Unit				
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infall rejection under 37 CFR 1.11(3 may only be either; (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed of Note of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.11(4).  PERIOD FOR REPLY (check either a) or b)]  a)								
a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires on (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply soprie taster than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP (100.07)(P. CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP (100.07)(P. CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP (100.07)(P. CHECK) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.1302 (2) and the appropriate extension fee under 37 CFR 1.1302 (3) and the appropriate extension fee under 37 CFR 1.1302 (3). The proposed amendment term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) the proposed amendment(s) will not be entered because:  (b) the proposed amendment(s) will not be entered because:  (c) the yraise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they raise new issues that would require further consideration and/or search (see NOTE below);  (d) they raise new issues that would require further consideration and/or search (see NOTE below);  (e)	THE REPLY FILED 31 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Review of the application in							
b)								
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2.	1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
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Claim(s) rejected:								

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Moreover, there is ambiguity with the amended term "level" that permits several interpretations - either as a noun or verb. For instance, even Applicant confuses its meaning on pg. 1, where it recites "level with" and on pg 2, where it recites "level width." Because the crux of the arguments rely on the interpretation of this phrase, with the claims as they are, it is clear that the arguments are not helpful in distiguishing the claimed invention from the prior art of record.

TOANTON PRIMARY EXAMINER